

Application No: 13/3620N  
Location: Smithy Lodge, NANTWICH ROAD, WRENBURY, CW5 8EW  
Proposal: Residential development consisting 14 No detached dwellings  
Applicant: Seddon Homes (Wrenbury) Ltd  
Expiry Date: 22-Nov-2013

### **SUMMARY RECOMMENDATION**

**Refuse**

### **MAIN ISSUES**

**Principle of Development**

**Impact upon the character and appearance of the Wrenbury Conservation Area and setting of the Grade II listed Hawk House**

**Design and the Built Environment**

**Affordable Housing**

**Highways**

**Trees and Landscape Impact**

**Amenity**

**Ecology**

**Drainage**

### **REFERRAL**

The application is referred to planning committee because it is over 10 units and is therefore a major development.

#### **1. SITE DESCRIPTION**

This 0.81 hectare site comprises part of the garden curtilage of Smithy Lodge and also part of the garden of Beech House, which is the adjacent dwelling. The front of the site and the land to the rear of Beech House lie within the Wrenbury conservation area which was designated on 27<sup>th</sup> September 1973.

The existing two fields to the rear of Smithy Lodge (garden and paddock) and the long field to the rear of Beech House which are within the application site lie within designated Open Countryside and are therefore outside the village settlement boundary as shown on the Crewe & Nantwich Adopted Replacement Local Plan.

There is a public footpath (FP1) which runs along the western edge of the site and to the south west of that footpath there is a Grade II listed building (Hawk House) at the Nantwich Road entrance to the footpath. This footpath is also known as Hawk Lane.

The site is generally flat. There is agricultural land to the north, residential development beyond Nantwich Road to the south, residential development to the west and residential development to a section of the eastern boundary.

## **1. DETAILS OF PROPOSAL**

This proposal comprises fourteen 5-bed two storey detached dwellings on land to the rear of Smithy Lodge and Beech House. Three dwellings would have detached double garages whilst the remaining dwellings have integral garages. Three house styles are proposed within the layout, all of brick, render and tile construction

The site is accessed from Nantwich Road via the existing access to Smithy Lodge located between Smithy Lodge and April Cottage. Smithy Lodge will have a reduced curtilage and a new driveway formed and would share the Nantwich Road access with the proposed new dwellings.

## **2. RELEVANT PLANNING HISTORY**

None of relevance

## **3. PLANNING POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan Policy**

#### Built Environment Policies

BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure)  
BE.7 (Conservation Areas)  
BE9 (BE9 Listed Buildings : Alterations and Extensions)

#### Housing Policies

RES.4 (Housing in villages with settlement boundaries)  
RES 5 (Housing in the open Countryside)

RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in Policy RES.4)

RES.8 (Affordable Housing In Rural Areas Outside Settlement Boundaries (Rural Exceptions Policy)

#### Transport Policies

TRAN.3 (Pedestrians)

TRAN.5 (Provision for Cyclists)

### **Supplementary Planning Documents**

Local Development Framework - Development on Backland and Gardens Supplementary Planning Document (2008)

### **Other Material Policy Considerations**

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

North West Sustainability Checklist

Draft Development Strategy

## **4. OBSERVATIONS OF CONSULTEES**

### **Network Rail**

No objection in principle to the proposal. Wrenbury Railway Station level crossing is some way away from the current development site of 14 dwellings will not have a meaningful impact on Wrenbury MCB – OD.

### **United Utilities**

No comments received at time of report preparation

### **Environmental Health**

No objection subject to conditions requiring:

- Submission of Environmental Management Plan
- Submission of a scheme to minimise dust emissions arising from demolition / construction
- Submission of Phase II Contamination Report

### **Rights of Way**

The proposed development is adjacent to public footpath Wrenbury cum Frith No. 1 as recorded on the Definitive Map held at this office. It appears unlikely that the proposal would affect the public right of way.

## **Highways**

Recommends refusal on the following grounds:

Unacceptable layout, unacceptable site access visibility and layout and lack of information concerning need for demolition of structures/need for 3<sup>rd</sup> party land to form access visibility splay.

## **4. VIEWS OF THE PARISH / TOWN COUNCIL**

Wrenbury Cum Frith Parish Council objects on the grounds that the

‘Development is outside the settlement boundary, part of the development is within the conservation area, the over-density of the development, the lack of visibility splay owing to the traffic speed and the exacerbation of drainage problems in the area.

Policy NE.2 states limits the reasons for development and this proposal does not constitute any of the permitted reasons and is thus contrary to policy.

Much of the site lies within Wrenbury Conservation Area which is a “designated heritage asset”. The remainder of the site provides the setting to the Conservation Area. Given the sensitivity of the site’s location, the development has a detrimental effect on the conservation area, particularly with the bland design of the houses of a simple rectangular block with constant and unvarying rooflines, wholly unsympathetic to the conservation area. This is further exacerbated by the high density of the proposal with so many very large properties on such a relatively small site.

There is currently no footpath to the south of Nantwich Road and the proposal will significantly increase the likelihood of an accident along this unpaved area. Policy BE.3 permits new developments as long as they provide safe pedestrian and vehicle access and adequate parking and Policy TRAN3 advises that proposals for new developments will only be permitted where appropriate provision is made for pedestrians. In addition, the developer’s transport report identified a higher mean average than 30mph thus requiring a much larger visibility splay than proposed.

There are significant drainage problems in the area with the Nantwich Road regularly flooded as drains overflow. This development will add to this problem and thus lead to increased instances.

The Borough Council’s SHLAA document identifies that this land can only become developable following a policy change, which has not occurred, and require the demolition of Smithy Lodge. It is noted, therefore, that this development does not meet either of these criteria.

In addition, the reasons stated in the previous refusal adjacent to this land for a house (P04/0057) supported by appeal dismissal APP/K061/A/04/1152130 are still relevant. The development would be in conflict with Policies BE.2 (Design), BE.6 (Development in a Conservation Area) and Policy BE.3 (Access and Parking).'

## 6. OTHER REPRESENTATIONS

22 separate electronic submissions/letters of **objection** have been received raising the following matters;

- Impact upon the character and appearance of the Wrenbury Conservation Area
- Impact upon the setting of the listed building (Grade II) Hawk House
- No need for more dwellings
- Adverse impact on pedestrian safety due to the creation of the access point and lack of alternative pavement on the opposite side of the road.
- Misleading information in the application concerning the availability of pavements
- Unimaginative and design out of character with area
- Loss of open countryside
- Overdevelopment of the site
- Additional traffic
- Erroneous details on the application
- Impact on amenity of neighbours
- Impact upon drainage infrastructure

Five representations of **support** have been received on the followings grounds:

- New residents add to the social and economic well being and vitality of the village.  
Without new residents, the aging population would not be replenished
- The local school would potentially benefit from increased pupil numbers
- Welcome this proposal as providing business to the local shops and pubs.
- No more detrimental than other developments in recent years
- The Occupier of Smithy Lodge considers the garden their garden is too large and difficult to maintain

The full text of all the representations can be viewed on the Council's website.

## 7. APPLICANT'S SUPPORTING INFORMATION:

- Planning Statement
- Ecological Statement
- Arboricultural Statement
- Transport Statement

## 8. OFFICER APPRAISAL

### Main Issues

The main issues in the consideration of this application are the suitability of the site for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, design matters, impact upon the character and appearance of the Wrenbury Conservation Area and the impact upon the setting of the Grade II Listed building adjacent part of the site (Hawk House), hedge and tree matters, ecology, amenity, open space, drainage and flooding,.

### **Principle of Development.**

#### Housing Land Supply -The 2013 SHLAA

On 1 March 2013 the Council published a revised SHLAA with base date of 31 March 2012. This demonstrated a 5 year deliverable supply of housing based on identified land with potential for 9771 homes set against a housing requirement of 6835.5 homes.

The housing requirement figure was derived from the emerging Cheshire East Local Plan. Given that the SHLAA included emerging sites from this document it was considered consistent to use the housing figures associated with it. The basic requirement was 6,050 homes 2013 – 2018, with an allowance of 460 for backlog since 2010 and a 5 % buffer making up the remainder of the housing target.

The identified supply of 9,771 homes was derived from a combination of sites with planning permission, sites under construction, sites awaiting planning obligations, strategic sites in the merging Local Plan and large & small sites without planning permission.

Since March, the publication of fresh ONS household projections and a series of appeal decisions placed the reliance on emerging housing figures in doubt, even though they are higher than previous development plan targets. Accordingly, in recent months the Council has relied on a housing requirement of 6,776 homes, based on the basic housing provision figure of 5,750 homes over five years set out in the North West Regional Spatial Strategy. It is this figure that has been used in a series of appeals through the summer of 2013.

Both the SHLAA and the updated figure relied on the residual or “Liverpool” method of factoring in the backlog of housing not built during the recession. This has previously been the standard means of accounting for variations in supply – and seeks to spread any shortfall over the remainder of the relevant plan period. This is on the basis that housing requirements in Local Plans are established over many years (usually 15-20) rather than being annualised targets. At the time the SHLAA was published this method was supported by the Home Builder’s Federation.

In addition, the housing requirement also took account of the standard 5% buffer to allow for choice and competition in the housing market. The NPPF advises that where there is “a record of persistent under delivery of housing” a greater 20% buffer should be applied, in order that to provide a realistic prospect of achieving the planned supply. The Framework does not elaborate further on the definition of persistent under delivery – and appeal decisions take a different view on the subject. The Planning Advisory Service guidance of July 2013 suggested a whole economic cycle of at least ten years should be considered; other decisions take a shorter period of time. The Council’s approach has been to take a

longer view of delivery – and also to assess delivery against the development target as a whole rather than taking a year on year view (as the RSS does not have annual targets). On this basis, a 5% buffer was applied in the SHLAA

### **Appeal Decisions October 2013**

Following the publication of the SHLAA a series of planning appeal inquiries were held through the summer of 2013, alongside a long running planning appeal remitted to the Secretary of State.

On 18 October two appeal decisions were issued (at Congleton Road, Sandbach and Sandbach Road North, Alsager) along with the Secretary of State's decision at Abbeyfields in Sandbach. The Secretary of State and the Inspector both found that the Council could not demonstrate a five year supply of deliverable housing land. Both Sandbach appeals were allowed, but the Alsager appeal was dismissed on grounds of impact on the countryside

The Secretary of State's letter is based on written representations rather than evidence presented at an Inquiry. It seeks to address broad principles in terms of housing supply rather than detailed figures. The Secretary of State concluded that the 5 year housing requirement was "between 7,366 to 9,070 dwellings"

The Secretary of State considered that there was "justifiable doubt" about the assumed build rates on sites. He also highlighted the high proportion of supply that related to strategic sites in the emerging plan, where delivery appeared less assured – and the correspondingly modest proportion of sites with planning permission. Concern is also expressed over the involvement of the Housing Market Partnership which further undermined confidence in the SHLAA. In conclusion, the view was taken that the Council had:

*"not demonstrated a 5 year supply of deliverable housing sites against even the most favourable assessment of the 5 year housing requirement."*

The Inspector in the Congleton Road and Sandbach Road North cases heard detailed evidence at Inquiry – and accordingly provided more specific analysis of the sites and housing numbers. He took the view that it would not be appropriate to take too relaxed a view on catching up the backlog and so preferred the Sedgefield methodology to Liverpool. He also looked at the preceding five years (2008-2013) where it had been acknowledged that annual average figures had not been met. Notwithstanding oversupply in earlier years, this run of half a decade was tantamount in his eyes to persistent under delivery – and so considered a 20% buffer should be applied. This raises the housing requirement by well over 2,000 units to around 9,000 homes.

At the same time, the Inspector also had misgivings over the delivery and yield predicted from certain sites – most notably those in the Development Strategy. Whilst acknowledging that delivery would take place, a variety of factors lead to the conclusion that the Council's assumed yield within the five years was too optimistic. When similar concerns over other sites was factored in, he down graded the likely deliverable supply by around 1500-2000 units – to around 7,000 - 7,500 homes.

Accordingly, he concluded that the Council could not demonstrate a five year supply of deliverable homes against a requirement of some 9,000 units.

## Consequences

The Appeal decisions raise a number of issues – most notably over the calculation of the housing requirement. Without a clear target, the Council cannot be sure of meeting the housing requirement. In this case both decisions highlight different perspectives on the calculation of the backlog and the buffer.

Both the Inspector and the Secretary of State adopt the “Sedgefield” methodology for tackling backlog – namely to include the whole of the backlog within the five year requirement. This is considered to better match the NPPF aspiration to “significantly boost housing supply”. It is entirely admirable to seek to recover housing supply as quickly as possible – but we would question whether it is realistic to think that the impacts of the worst recession for many years can genuinely be caught up in just five years. It is somewhat ironic that, when the Council has been criticised for a “rose tinted” view in its approach to supply, an even greater optimism is now considered *de rigeur* in the setting of housing targets. Furthermore, although the Sedgefield method ensures that a wider range of sites are made available more quickly, it does not result in anymore houses being built than the Liverpool method.

Nevertheless, these decisions follow the pattern of many recent decisions – and indeed the recent NPPG also supports the Sedgefield methodology. Accordingly, this has increasingly become the new orthodoxy and the Council must take account of this trend.

With regard to the buffer the picture is less clear cut – the Secretary of State appearing to concede that a 5% buffer might be appropriate as a minimum. The Inspector’s reasoning relies heavily on assessing completions against the annualised average in any individual year – as opposed to the delivery against the Development Plan target. This difference of view underlines the need for clear guidance as to the parameters of persistent under delivery.

In considering the supply of housing, both decisions recognise that sites in the draft Local Plan can properly contribute to housing supply – but that their emerging status lends doubt to delivery and yield in some cases. This is an important principle as many have argued that no or little reliance should be placed on such sites.

In considering the anticipated yield from sites, this is an area which is invariably subject to debate and conjecture. However, both decisions suggest that the Council has over estimated the likely contribution that strategic sites are likely to make in the next five years. This underlines the need for solid evidence to underpin whatever estimate is applied on likely completions in future years.

The consequence of these views of the calculation of the housing requirement is to expand the housing requirement considerably – either to the 9000 homes advocated by the Inspector or to the range of 7,366 – 9,070 promoted by the Secretary of State. When this elevation is combined with the tempering of the supply deliverable sites, the consequence is to undermine the Council’s ability to demonstrate a five year supply. It is interesting to note that the Inspector found that the Council’s original target of 6,776 homes had been met –

and also that the Secretary of State's minimum requirement sits within the range of supply endorsed by the Inspector. This is especially so as at first glance the Inspector appears to have misapplied the Council's supply figures – using a base of 9,000 homes rather than the figure of 9,399 quoted at the inquiry.

However, none of that diminishes the overall conclusion - that either a five year supply cannot be demonstrated or that the evidence for doing so is inconclusive.

Accordingly unless or until these decisions are challenged or a new SHLAA prepared, the Council is unable to conclusively demonstrate a five year supply of deliverable housing land. Accordingly Policies for the Supply of housing will not be considered up to date (see further below) and enhanced weight should be given to the provision of housing in decision making

## **COUNTRYSIDE POLICIES**

As well as assessing housing supply, the decisions at Sandbach Road North and Congleton Road Sandbach are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

*“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.*

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was *“not sufficient directly related to housing land supply that it can be considered time expired for that purpose.”* Instead the Policy is *“primarily aimed at countryside & green belt protection”*. These objectives are largely in conformity with the NPPF and attract *“significant weight”*. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material

consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

*“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.*

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made.

Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions. The results of an accessibility assessment using this methodology are set out below.

The toolkit sets maximum distances between the development and local amenities. These comprise of:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

In this case the development meets the standards in the following areas:

- primary school (150m),
- leisure facilities (100m),
- public park / village green (100m),
- child care facility (100m),
- Community Centre/meeting place (100m)
- Playground/amenity area (100m)
- Post box (106m)
- Post Office (106m)
- Local shop (106m)
- public house (Cotton Arms 643m),
- medical centre (200m)
- railway station (900m)
- bus stop (Pinsey View 139 m)

Owing to its position within Wrenbury, this site benefits from all the services and facilities within a well served village, it is considered that this small scale site is sustainably located. Additionally, the development will bring in additional residents who will add to the economic and social sustainability of the area.

The NPPF makes it clear that *“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21, *“the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the*

*21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Greg Clark). Inter alia, it states that, *“the Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.*

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic development. Local Authorities should therefore, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

The proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

In the light of the advice contained in the National Planning Policy Framework, where the development plan is “absent, silent or relevant policies are out of date” planning permission should be granted unless

***“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”***

Or

***“specific policies in this Framework indicate development should be restricted.”***

It is therefore appropriate to consider whether there are other impacts of this development which are so adverse in the planning balance that they **significantly** and **demonstrably** outweigh the benefits in the form of the additional housing development.

### **Affordable Housing**

The Interim Planning Statement: Affordable Housing (IPS) advises – *that for Windfall sites in settlements with a population of less than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 3 dwellings or more or than 0.2 hectare in size. It also advises that the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and*

*facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment.*

The desired target percentage for affordable housing will be a minimum of 30%, in accordance with the recommendations of the 2010 Strategic Housing Market Assessment (SHMA) and the 2013 SHMA Update. This percentage relates to the provision of both social/affordable rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social/affordable rented and intermediate housing.

### SHMA Update 2013

The SHMA Update 2013 identified a requirement for 100 affordable homes in the Wrenbury sub-area between 2013/14 and 2017/18, this was made up of a requirement for 15 x 2 beds, 12 x 4/5 bed & 2 x 1 bed older persons dwellings each year. (There is an oversupply of 9 x 3 beds).

### Cheshire Homechoice

In addition to the information from the SHMA Update 2013 there are currently 45 active applicants on the waiting list with Cheshire Homechoice (which is the Choice based lettings system for allocating social & affordable rented accommodation across Cheshire East) who have selected Wrenbury as their first choice, showing further demand for affordable housing. These applicants have stated that they require 7 x 1 bed, 20 x 2 bed, 17 x 3 bed, 1 x 4 bed.

### Wrenbury Rural Housing Needs Survey

A Rural Housing Needs survey for Wrenbury was also carried out in April 2010 as part of a wider survey of parishes in the south of Cheshire East, 457 questionnaires were sent to all households in the Wrenbury Parish, with 127 returned giving a return rate of 28%.

The survey highlighted a need for 26 households in need of affordable housing.

To date there has been no delivery of the affordable housing required between 2013/14 and 2017/18 in the Wrenbury sub-area. There is a planning permission in place at Station Yard in Wrenbury for 16 affordable dwellings however it is unclear if this site will come forward.

The SHMA Update 2013 shows the following need for affordable housing:

15 x 2 beds, 12 x 4/5 bed & 2 x 1 bed older persons dwellings each year (there is an oversupply of 9 x 3 beds).

Based on the IPS the proposal for a total of 14 dwellings equates to a requirement for 3 social or affordable rented dwellings and 1 intermediate tenure dwelling.

The IPS also requires that affordable housing is pepper-potted, provided no later than occupation of 50% of the open market dwellings (or 80% if the development is phased and has high levels of pepper-potting), and that the affordable housing is built to meet the Design & Quality Standards required by the Homes & Communities Agency and meets Code for Sustainable Homes Level 3.

Accordingly it is clear that there is a high level of need for affordable housing in Wrenbury and therefore this site should provide on-site affordable housing in line with the Council's policies in the IPS and policy within the NPPF which seek to create sustainable communities.

The applicants are offering a financial contribution (of an unknown level) in-lieu of affordable housing would fail to deliver sustainable communities given the defined need in this area. They consider the Station Yard approval to have met the need, however, this is not appropriate.

The lack of on-site affordable housing in accordance with the Council's Interim Policy Statement for Affordable Housing is considered to be significantly and demonstrably harmful which outweighs the benefits in the form of the additional housing numbers generated.

### **Highways Issues**

The site of the proposed 14 dwellings currently has little or no traffic and transport movement associated with it.

Access to the site is proposed via a simple priority junction with the Nantwich Road in the approximate location of the existing access to Smithy Lodge.

### Key Issues

The following are considered the key issues to be addressed by this development proposal;

1. Achieving a safe and convenient site access strategy.
2. Ensuring safe access for pedestrians and cyclists.
3. Evaluating and, if necessary, addressing traffic impact.
4. Ensuring a sustainable access strategy for this residential site.
5. Provision of a suitable level of car parking.

### Site Assessment

#### Access and Visibility

The principle of the proposed form of access as a simple priority junction is acceptable for this level of development in this location. The junction is closer than ideal to Marie Close, however, given that Marie Close only serves a modest level of development and the proposed site access will only serve 14 dwellings this is considered acceptable.

The submitted information provides summary speed data for the week 11/03/13 to 17/03/13. The calculated *average* seven day 85<sup>th</sup> percentile speeds are 33.8mph westbound and 31.5mph eastbound. It is not clear whether; all data has been used in these calculations, data has been based on certain hours, or whether the applicant has taken 85<sup>th</sup> percentile speeds for each hour and then averaged them. Presentation of the full raw data set and further clarification is required. Furthermore, in the absence of information to the contrary, it must be assumed that calculated 85<sup>th</sup> percentile speeds are wet weather speeds, and no

reductions should be made as if the data was collected solely on dry days, and sight lines should be demonstrated accordingly.

The Applicant has suggested that they have provided visibility on the basis of the posted speed limit (30mph); despite having undertaken speed surveys that indicate higher 85<sup>th</sup> percentile speeds than 30mph. In fact, the Applicant has attempted to apply MfS visibility splays at a notionally observed 85<sup>th</sup> percentile speed of 30mph; this is not acceptable. Even at this level of visibility, with reference to the application layout plan, it appears that the visibility splay from/to the west would impact upon Smithy Lodge. Furthermore, the splays indicated do not appear to have been drawn from a 2.4m setback. If the Applicant were to provide visibility splays based on the speed limit (not actual speeds) then the sight lines should be 2.4m x 59m.

The Applicant should provide visibility in accordance with observed 85<sup>th</sup> percentile visibility speeds from a 2.4m setback; this is the rationale of the relaxed visibility calculations provided in MfS.

No evidence has been present nor when requested, that the speed data was collected over an entirely dry week. Indeed, an objection from a neighbour has been received to indicate that the speeds were collected in wet and/or freezing conditions. No wet weather speed reduction should be applied to the speed surveys unless dry (and normal) driving conditions can be demonstrated.

On the basis of the evidence submitted with the application a visibility splay greater than that indicated in submitted transport statement is required, and it is likely that the required visibility splay from/to the west would require demolition of, or alteration to the structure of, Smithy Lodge. This would have potentially significant implications for the Conservation Area, depending upon the level of alteration/demolition required.

It is also possible that the required visibility to from/to the east may require third party land. The necessary provision of a footway on the eastern radius of the access and potential increase in width of the carriageway at the access point to Nantwich Road, would certainly put sight lines through Smithy Lodge and possibly through third party land in the opposite direction.

At the time of report preparation the Strategic Highways Manager is still waiting for further information from the Applicants Highway Consultant to address this issue. Any further information will be presenting in an update report.

#### Pedestrian and Cycle Access within the Site

It is proposed that the access to the site will be 4.8m wide at entry and wider within the development, including local widening just beyond the site access to Nantwich Road, with wider than 4.8m being allowed within the site "to allow two HGVs to pass".

The design of the access road, as a shared surface, is confusing at best. Footways are indicated around only one of the radii of the proposed site access and are then extinguished. The route from this point to the furthest property within the site is close to

130m. The road 'bulges' just beyond the site access and then narrows again to 4.2m and 4.0m including around the bend in the road.

The Strategic Highways Manager does not accept the proposed access road layout as suitable. It does not conform to good design principles as laid out in the Manual for Streets (MfS) and is not considered safe for pedestrian use. What is proposed as 'shared surface' adoptable highway is some 130m long from the point of access with Nantwich Road with very little in the design to encourage low speeds. If a shared surface layout is to be pursued it should include footways on both radii at the site access as well as sufficient width to allow efficient vehicular access from/to Nantwich Road. Good layouts of this shared surface nature will use the built form to create the 'shared space' street. This current design is not considered appropriate.

The Strategic Highways Manager accepts that Home Zone layouts will include carriageways of varying width. However, the design proposal does not use width changes appropriately and makes no attempt to use the built form to create a "street space" within the development.

### Traffic Generation

It is accepted that traffic generation will be relatively modest at about 11 vehicle trips per peak hour. Traffic impact will also be limited.

### Sustainable Access

The Transport Statement has discussed pedestrian and cycle accessibility to employment. As such, various walk and cycle distances are quoted as being appropriate. Quite clearly, despite statements in the TS to the contrary, the proposed development is not well located to allow walk and cycle trips to existing employment centres.

The proposed development is within easy reach of a bus stop. The service provided at that stop is limited to seven services towards Nantwich and four towards Whitchurch Monday to Saturday (Wednesdays differ slightly).

Although not indicated in the TS; there is a rail service from Wrenbury. The station is on the Crewe-Shrewsbury line and provides a realistic employment link with services starting early in the morning and running into the late evening.

### Car Parking

The Applicant indicates two spaces per dwelling in their application form. At 4+ bedrooms per property there is a requirement for three parking spaces per dwelling and the Applicant should demonstrate that such provision can and will be made. A condition could be imposed to required garages within the proposed dwellings to be retained for the parking of a vehicle to address this concern.

### Refuse Collection

The Applicant has not demonstrated, using tracking data, the ability or otherwise of a refuse lorry to safely turn in and out of the site access and manoeuvre in the turning head to leave the site in forward gear.

It is therefore considered that overall this scheme has an unacceptable layout, unacceptable site access visibility and layout, and there is insufficient information having been submitted on other key issues. These matters may be resolved further, however, at the time of report writing further information has been requested but not received that addresses these concerns.

On this basis the proposal is considered to be contrary to policy BE3 and TRAN 3 of the Local Plan and the core principle of promoting sustainable transport as expressed in the NPPF. Additionally, the need for a suitable site access which is accepted to the Strategic Highways Manager may potentially have adverse impacts upon the character and appearance of the streetscene and the Wrenbury Conservation Area, contrary to policies BE1 and BE9 of the Local Plan.

### **Trees**

The submission is supported by a tree survey report dated April 2013. The report indicates that the survey complies with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations. The survey assesses 6 individual trees, 11 groups of tree and 2 hedges on and adjacent to the site. Whilst much of the vegetation is afforded Grade C, 3 individual trees, 2 groups of trees and 1 hedge are afforded grade B.

*BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations* now places an emphasis on 'evidence based planning' and accords with standard RIBA work stages. The standard now requires higher levels of competency and a more precautionary approach to tree protection. This means that at planning permission stage comprehensive arboricultural information will have been completed and where appropriate submitted as part of the planning application for validation purposes.

The submitted tree protection plan, Arboricultural Impact Assessment (AIS) and Method statement indicate that whilst the development would require the removal of a number of low grade trees, with appropriate protection trees indicated for retention could be incorporated into the development. This could be suitably conditioned.

### **Landscape Impact**

The submission is not supported by a landscape and visual assessment or appraisal and there are no detailed landscape proposals.

The Cheshire Landscape Character Assessment identifies the application site as being located in Landscape Type 7: East Lowland Plain and specifically within the Ravensmoor Character Area (ELP1). This identifies the character area as being a predominantly flat landscape with hawthorn hedges and hedgerow trees as typical boundary types. The assessment also states that areas in the south and west (of the character area) possess a

smaller-scale landscape, with much more limited views restricted by high vegetation associated with smaller fields, abundant hedges and hedgerow trees. Such areas are described as having a very tranquil and rural character.

Whilst on the edge of the settlement of Wrenbury and adjoining residential properties, the site has a rural nature and the open paddocks to the north contribute to the setting of the Conservation Area. The existing vegetation affords the northern part of the site a degree of enclosure, with a line of Leylandii separating the garden to Smithy Lodge and the paddocks.

Taking into account the nature of the application site together with the presence of the Conservation Area, there would inevitably be impact on the landscape character. This will be considered further in the Conservation Area assessment later in the report. With a public footpath to the west and adjoining residential properties, there are also sensitive visual receptors. Although not of any significant arboricultural value, the proposed removal of the existing line of Leylandii trees would open up views to the northern section of the site from Nantwich Road

### **Impact upon the Character and Appearance of the Conservation Area and the setting of the Grade II Listed Building Hawk House**

Paragraph 133 of the NPPF states:

*“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.”*

Paragraph 135 of the NPPF states:

*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

The current proposals indicate that the existing buildings fronting the historic street scene in this part of Nantwich Road are to be retained, however, as previously considered above in the Highways section of this report, this may not be the case

The proposal to use a diversion off the existing access to Smithy Lodge should, however, serve to minimize the visual impact of the access point to the site.

There are however no specific details of the likely proposals to alter either the appearance or layout of this entrance or the surfacing materials to be used.

Although the proposal to develop the two fields (garden and paddock) to the rear of Smithy Lodge and the long field to the rear of Beech House will not be readily visible from the Nantwich Road streetscene of the Conservation Area, all these fields appear as part of the agricultural holding of the Smithy, Beech House and their neighbouring properties on the

historic map of the village and as part of the historic undeveloped landscape setting of the conservation area and the settlement.

The proposed new development would be visible when passing the Grade II Hawk House from the adjacent lane (FP1) which runs to the west of the site and which lies within the conservation area, and might also be visible as a distant backdrop to the conservation area when viewed from the canal towpath located to the north.

The proposed location of the current application is therefore contrary to the adopted replacement local plan and will result in the development of land which has historically remained open and still remains part of the existing open landscape setting of the village. This is an essential part of the character of the Conservation Area.

Whilst it needs to be recognised that there is already some similar back land development within some of the former open land to the rear of other properties along this north side of the Nantwich Road, these other developments lies within the settlement boundary of the local plan whereas the open land which is the subject of the current application lies outside the settlement boundary.

In addition it needs to be recognised that in the past there was a proposal to develop an adjacent field within the settlement boundary (P04/0057) to the rear of the Grade II listed Hawk House immediately adjoining the lane (FP1) and the current application site, which was refused.

The subsequent appeal was dismissed by the Inspector and the grounds for refusal included the harm it would cause to the open character and appearance of the Conservation Area in conflict with Policies BE2 (Design) and BE6 (Development in Conservation Areas) of the adopted local plan. These policies were subsequently carried forward to the Local plan adopted on 17<sup>th</sup> February 2005.

### **Housing Design considerations**

Wrenbury is a settlement with a varied character, comprising properties of different periods. A wide plan footprint is characteristic on several older properties and buildings are predominantly 2 storey. There is a variety of materials, but brick is dominant with some punctuation by white rendered houses along Nantwich Road.

A key characteristic of the village is the relationship between buildings and open space and the influence this has on village character.

There is no evidence of a detailed assessment of the character for Wrenbury, within the Design and Access Statement other than a very concise commentary. More robust assessment would have been beneficial.

The design of the properties is of a typical modern estate design. Whilst the housing will be outside the Conservation Area boundary, it will be important that new development helps to reinforce the Conservation Area and its setting. This does not mean slavishly copying historic buildings, but it does require attention to architectural detail, materiality and

landscape design. Part of the character of the Conservation Area is its essentially verdant nature

Although modern housing has been constructed in a similar cul-de-sac arrangement nearby, this does not necessarily mean that 'off the peg' estate housing would be acceptable in this case. The proposal would also be prominent from the public footpath that runs adjacent to the site

There is no indication concerning the performance of the scheme in terms of sustainable design (both mitigation measures and adaptation to climate change)

The design and access statement supporting the application states:

*"The policy imperative is the requirement to preserve and enhance the character and quality of the Conservation Area. In this case, the absence of any clear vernacular in terms of layout, built form and building materials does not impose strong influences on how new development should be formulated and detailed, but it does mean that proposals should be sympathetic in scale to existing built development in the settlement so as to ensure that it blends seamlessly with its existing character and appearance."*

Whilst it is agreed that, to some extent, there is no clear character lead in terms of design in the immediate locality, as identified above, the Governments overall intention as expressed in the NPPF is to drive up standards of design, which this scheme layout, on balance is considered to fail to achieve. The NPPF at Para 64 states: *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"*. This proposal does not meet this requirement.

Whilst the proposal would have a limited impact on the Nantwich Road street scene of the conservation area, it would have a detrimental impact on the setting of the conservation area particularly to the rear, the historic setting of the Grade II listed Hawk House and open landscape setting of the settlement, contrary to policy BE1, BE 7, BE9 and RES5 of the Local Plan.

## **Amenity**

It is generally regarded that a distance of 13m is sufficient to maintain an adequate level of light to principal windows and distance of 21m is usually considered to be sufficient to prevent overlooking between principal windows.

The submitted layout shows a cul de sac layout of 14 units within this site which are orientated in a fashion that easily achieves the privacy distances between each other and the existing dwellings next door to the site.

The recommended minimum garden area of 50sqm recommended in the Crewe and Nantwich Borough Council supplementary planning guidance has been achieved.

Whilst 14 additional dwellings will be served by an access road which runs close by the boundary with April Cottage, it is considered that this is unlikely to be a significant impact

that would create noise and disturbance that would be materially detrimental to the occupier of April Cottage. Therefore the proposal is considered to comply with the requirement of policy BE1 (amenity) of the local plan.

## **Ecology**

The proposed development site supports habits of low ecological value. Two species of bats were recorded as foraging on site and the proposed development would result in the loss of some features utilised by foraging bats. However, this impact is not likely to be significant.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case the Council's Ecologist has been consulted on the application and has no objection.

The site of the proposed development has the potential to support common species of breeding birds. If planning consent were to be granted conditions should be attached requiring a survey to check for breeding birds prior to commencement of any works within nesting season and ensure some additional provision is made within the completed scheme for breeding birds and roosting bats.

Subject to these conditions, it is not considered that there will be any adverse impact on ecology and as such the scheme complies with the relevant local plan policies and the provisions of the NPPF in this respect.

## **Drainage/Flood Risk**

Although comments were awaited from United Utilities at the time of report preparation, the Environment Agency have considered the report and made no comment. It is therefore concluded that the proposed development will not adversely affect onsite, or neighbouring developments and their associated residual flood risk.

## **Open Space**

The site falls below the threshold for public open space provision within the Local Plan which is set at 20 dwellings

## **8. CONCLUSIONS**

The proposed development would help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the village including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

The application seeks, in part, planning permission for dwellings within the Open Countryside. This element of the proposal is considered to be contrary to Policy NE2 and RES 5 of the Crewe and Nantwich Local Plan and does not meet the requirements of RES 8.

However, this element of the proposal should also be considered in the context of the presumption in favour of sustainable development as required by the NPPF. Whilst the Council accepts that it cannot demonstrate a 5 year supply of deliverable housing land and as a consequence the housing supply policies of the plan must be considered to be out of date, it remains of the opinion that this proposal would conflict with other policy objectives of the NPPF which are not out of date, and that the adverse impacts of granting permission, in this case would outweigh the benefits in terms of the contribution to housing numbers.. It is therefore considered that the principle of development is unacceptable and therefore the development does not accord with the Crewe and Nantwich Replacement Local Plan and the National Planning Policy Framework.

Furthermore, the application fails to include a suitable provision of on site affordable housing for a rural site, and there is insufficient information submitted with the application with regards to Highways and the potential need to demolish structures within the Conservation Area to form a safe and secure environment and high quality and inclusive design for public spaces which will function well and add to the overall quality of the area.

Additionally, the proposal fails to preserve the open character and appearance of the Wrenbury Conservation Area and the setting of the Grade II listed Hawk House, located on the other side of FP1. Accordingly, the proposed development would be contrary to Policies BE7 and BE9 of the Crewe and Nantwich Replacement Local Plan 2011. These policies specifically state that approval will not be given where a proposal detracts from the character or setting of the building/conservation area concerned, especially with regard to its surrounding gardens, landscape, street scene or relationship with adjoining buildings and significant views.

The proposal also fails to adequately cater for affordable housing within the scheme, which is a significant shortcoming. All these factors are considered to significantly outweigh the benefits in the planning balance.

## **RECOMMENDATION**

**REFUSE for the following reasons:**

- 1. The proposed development, by virtue of the loss of openness within the Conservation Area and streetscene generally, the detailed estate layout and quality of the new housing and relationship of the proposed housing to the setting of the Grade II Listed Hawk House, when taken cumulatively, will lead to substantial harm to the setting of the heritage asset and the Wrenbury Conservation Area. The quality of the proposal is not sufficiently high in design terms and detracts from the character or setting of the building concerned, especially with regard to its landscape, or relationship with adjoining buildings and significant views and fails to take the opportunities available for improving the character and quality of the area and the way in which it functions contrary to Policies BE1, BE.7 and BE.9 of the Crewe and Nantwich Replacement Local Plan 2011 and the provisions within the NPPF, rendering the development unsustainable. Additionally, there is insufficient information concerning site access visibility requirements/supporting information or heritage assessment and the need for demolition within the conservation area, also contrary to BE9 of the Crewe and Nantwich Replacement Local Plan.**
  
- 2 Whilst the housing proposal has been considered in the context of the presumption in favour of sustainable development as required by the National Planning Policy Framework, the proposal, by virtue of the lack of on-site affordable housing provision, conflicts with the policy objectives of the National Planning Policy Framework and the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The proposal is therefore considered to be contrary to Policies NE.2 (Open Countryside) and RES.8 (Affordable Housing in Rural Areas) of the Crewe and Nantwich Replacement Local Plan 2011 and to the provisions of the Council's Interim Planning Policy: Affordable Housing and the guidance within paragraph 50 of the National Planning Policy Framework in respect of the provision of inclusive and mixed communities.**
  
- 3 The proposed layout for the site does not provide sufficient quality of design in relation to the Manual for Streets, or a legible adoptable boundary to appropriately serve the end-user residents, furthermore there is insufficient information concerning site access visibility and the need for demolition of structures/need for 3<sup>rd</sup> party land. Therefore the proposed layout would fail to create a safe, accessible and secure environment and high quality and inclusive**

**design for public spaces which will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. In so doing, the proposal will also fail to take the opportunities available for improving the character and quality of an area and the way it functions and to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and visit contrary to the provisions of the National Planning Policy Framework and policies BE2 (Design), BE3 (Access and Parking) and TRAN3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011**

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Development Manager (South) has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee provided that the changes do not exceed the substantive nature of the Committee's decision.**

